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10/645,305 08/21/2003		Eugene A. Pruss	1035-BN4126	7849		
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-	RSON & ABEL L.L.P.	LANGEL, WAYNE A				
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71007111, 771			1754			
			DATE MAILED: 12/20/200	DATE MAILED: 12/20/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Applicant(s) PRUSS ET AL.										
### Examiner Wayne Langel 1754 1754 1754 1754 1754 1755			Application	on No.	Applicant(s)					
Wayne Langel 1754			10/645,30)5	PRUSS ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS. WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of term may be available under the provisions of 37 CPT 1.13(i). In no event, however, may a reply be limitly fled attent SX (5) MOSTINS from the mailing date of this communication of 18 communication and the state of the communication of 18 communication will apply and will explicit a time 18 (5) MOSTINS from the mailing date of this communication. Failure for reply will the set of excluded period for explicit the provision of the communication of 18 communication. Failure for reply will the set of excluded period for explicit the provision of the communication of 18 communication. 1) Responsive to communication(s) filed on 28 November 2005. 2a) This action is FINAL. 2b) This action is finAL. 2b) This action is finAL. 2b) This action is finAL. 2c) This action is finAL. 2c) This action is finAL. 2d) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-49 is/are pending in the application. 4a) Of the above claim(s) 11-49 is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 7) Claim(s) is/are allowed. 8) Claim(s) 1-10 is/are rejected. 7) Claim(s) is/are allowed. 8) Claim(s) 1-10 is/are rejected. 7) Claim(s) is/are allowed. 8) Claim(s) 1-10 is/are allowed. 8) Claim(s) 1-10 is/are allowed. 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is obje		Office Action Summary	Examiner		Art Unit					
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Applicants' traverse of the restriction requirement has been considered, but is not deemed persuasive. Applicants' argument, that the subject matter among the groups is not independent and distinct, is not convincing, since appl;icants have not pointed out why the reasons given for restriction would be erroneous. Applicants' argument, that different classifications are not independent adequate grounds for restriction, is not convincing, since the requirement does not rely upon the different classifications as the basis for restriction. Accordingly the restriction requirement is made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shaffer et al '009. Shaffer et al '009 discloses a boron nitride agglomerated powder, and teaches at col. 1, lines 20-27 that the agglomerates are formed by treating turbostratic boron nitride at high temperature, typically between about 1800 to 1900 C. Such high temperature treatment would inherently result in a boron nitride agglomerated powder having an agglomerate fracture

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strength to tap density ratio not less than about 11 Marg, since it is apparent from Paragragh [0037] of applicants' specification that sintering of the feedstock powder will result in such ratio of agglomerate fracture strength to tap density.

The other references are made of record for disclosing agglomerated boron nitride.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Langel whose telephone number is 571-272-1353. The examiner can normally be reached on Monday through Friday, 8 am - 3:30 pm Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wayne Langel Primary Examiner Art Unit 1754